

## **Report of the CCTV working group to the Scrutiny Committee.**

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## **Motivation/Background to the review and an introduction to privacy concerns and CCTV**

The motivation for embarking on this independent review was two-fold. The first was simply that it has been a long time since the last one in 2010. The second motivation emerged from questions raised at Scrutiny committee (in 2019) about the privacy impact of the council's camera systems.

There are some who would suggest that dislike of being kept under electronic surveillance (in public) is limited to thieves and other ne'er-do-wells and, in some jurisdictions, the philosophy of "nothing to hide nothing to fear" clearly is the dominant principle of the rulers<sup>1</sup> however, this is not the dominant philosophy of Sevenoaks District Council.

While, of course, SDC's camera system should at least meet the privacy standards set out in the CCTV code of conduct<sup>2</sup> and the privacy norms set by the Information Commissioner's office (ICO) and the Surveillance Camera commissioner (SCC) the code itself provides an insufficiently high bar when it comes to privacy assurance. In particular, the code of conduct, the ICO, and the SCC do not provide any principles which, in practice, serve to limit the level of surveillance of public areas. They are, instead, primarily, concerned with how information is stored and transferred<sup>3</sup>, i.e. The various codes of conduct are focussed on principles of data protection, not data collection<sup>4</sup>.

Nonetheless it should be noted that our system has been accredited by the Surveillance Camera Commissioner up until 2024. In 2016 SDC received two national awards from the CCTV User Group<sup>5</sup>.

This review also considers the financial costs of the system but, to be clear, the financial aspect was not the primary motivation for this review. Nonetheless, the financial aspect is important because the very considerable resources that are applied to running camera systems, could be applied in other ways.

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<sup>1</sup> The Chinese Communist Party has an extensive camera network, facial recognition, and social credit system, right down to big screens to shame jaywalkers. It is also true that, at least at one time, the number of UK CCTV cameras exceeded the number in China and, of course, for many decades the UK's national ANPR system has held a database of all vehicle movements, with the police currently considering the addition extra cameras to this system, covering more minor roads, including at least five within the district of Sevenoaks.

<sup>2</sup> The code applies to the use of surveillance camera systems that operate in (i.e. observe) public places in England and Wales, regardless of whether or not there is any live viewing or recording of images or information or associated data.

<sup>3</sup> This review has done relatively little work in the area of "data protection" partly because we probably lack the expertise to do a systematic review of the operational methods of data transfer, storage and deletion etc. and partly because this is the focus of other reviewers, such as the surveillance camera commissioner, and we feel it is better to focus on important areas which are normally missed.

<sup>4</sup> There is a stated principle which looks, to a lay eye, like it might limit the number of cameras. Principle 1 of the code of conduct states that surveillance cameras should only exist if there is a "pressing need" for them (while principle 2 suggests that regular reviews should check that the need remains) however, in practice, simply stating that a camera is "for the purpose of prevention and detection of crime" is sufficient to satisfy the code (as currently implemented). Clearly such a blanket response should not be sufficient to satisfy SDC.

<sup>5</sup> [www.cctvusergroup.com](http://www.cctvusergroup.com)

## **Remit/Aims**

To Consider:

1. The effectiveness of the service in reducing crime
2. Whether the quality of images needs to be improved
3. The privacy impact of the service
4. Whether the financial resources of the council are being well applied, i.e. the cost effectiveness of the service.
5. The number of convictions arising from CCTV.
6. Whether and/or to what extent CCTV deters crime, and how this might be measured.
7. The positioning of our town centre CCTV systems, "Are they in the right places?"
8. The implications of emerging facial recognition technology.
9. Whether and how a financial contribution to CCTV could be garnered from other agencies (e.g. The police, CPS).
10. What recommendations to make following consideration of the above.

## Overview of the surveillance camera system at SDC

Sevenoaks District Council (SDC) maintains a system of 144 cameras<sup>6</sup>. The majority transmit their data, either via cables (owned or hired) or over an encrypted internet connection, to the SDC CCTV control room. This data can be shared by operators, with Police, in real time, via two police monitors (i.e. screens which mirror their feed to the Police)<sup>7</sup>.

The majority of these 144 cameras have Pan Tilt and Zoom (PTZ) capacity, meaning they can be directed over a wide range of angles (often 360 degrees) as well as being able to zoom in or out considerably.

The system's *structure dates back to 1997* when Central Government funding was provided to encourage camera systems nationwide, though most of the original cameras have subsequently been replaced. The number of cameras has also grown by around 50% since that time, and the technical capability of each camera is, in most cases, significantly greater, in both resolution and PTZ capacity. This has sometimes allowed one camera to replace two.

SDC does not use facial recognition on its systems, and no backup of the bulk data is kept. Data which has not been marked for preservation is deleted after 31 days.

While some cameras only see visible light, the CCTV manager reports that most also have infrared sensitivity. We were initially told that no part of the CCTV system undertakes audio recording<sup>8</sup>, which is not allowed under the code of conduct, however that turns out not to be the case and is addressed later in the report.

Official figures show the financial cost of the system<sup>9</sup> is four hundred and fifteen thousand pound per year (£415,000 p.a.) net and four hundred and seventy-five thousand pounds per year (£475,000 p.a.) gross (i.e. two other councils pay us £60,000 p.a. for our camera operators to man their out of hours telephone line).

The service has 7 full time members of staff.

### **Closed Circuit Television (CCTV)**

For historical reasons we often talk about "CCTV" cameras. This term was presumably coined because "closed circuit" was somewhat reassuring to those with privacy concerns.

There are some who would argue for the correctness of this term today by saying that there is no upper limit on the size of a "closed" circuit and who would, therefore, be happy to call, for example, the national ANPR network a "closed circuit" spanning the entirety of Great Britain.

However, most of us would, I suspect, think this usage of "closed" stretches the meaning somewhat. We would probably only recognise a few of SDC's cameras, those in the Dunbrik storeroom, as "closed circuit" in any meaningful sense. The rest are centrally controlled from the basement of the Council's offices in Argyle Road, meaning that our "CCTV", is a network spanning over a 20 mile diameter.

Arguably we should not, therefore, continue to use the term "CCTV" and instead simply use the term "surveillance camera", or "networked camera".

We will, nonetheless, continue to use the term "CCTV", or just "cameras" throughout the rest of this report.

<sup>6</sup> Data correct as per November 2019 (likely correct as of today also)

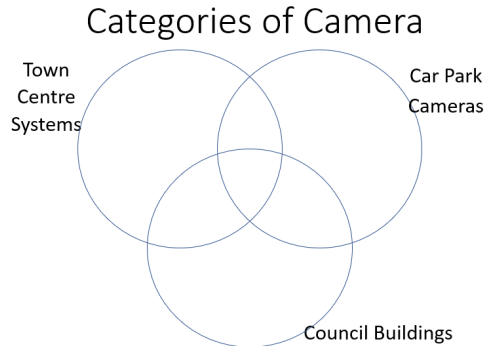
<sup>7</sup> At any given time something will normally be being played over this link.

<sup>8</sup> This is addressed on page 17.

<sup>9</sup> Appendix 1 contains a breakdown of costs (actual and budgeted) for 2019/20, as well as budgeted costs for 2020/21

## (Types of) Camera Locations

It is helpful to break down the 144 cameras into three overlapping categories which happen to be almost precisely equal in numerical size<sup>10</sup>. These are: Town Centre Cameras, Cameras in Car Parks owned by SDC, and Cameras observing Council property:



### More information on these overlapping categories

#### Town Centre Cameras

There are five “Town Centre” camera systems. These are in:

Sevenoaks Town  
Swanley  
New Ash Green  
Edenbridge  
and Westerham.<sup>11</sup>

These are the cameras which are most heavily monitored in real time.

They are probably the most significant category in terms of privacy impact (on the general public, as opposed to SDC employees).

The operation of these cameras also represents the main financial cost of the system, in terms of officer time spent monitoring them, and they are the cameras which the system’s structure is built around (i.e. without at least one town centre system no one would suggest, for example, having a CCTV control room staffed through the night).

#### Car Park Cameras

A number of SDC owned car parks have CCTV. Most of these cameras are in Sevenoaks Town, including 22 in Sevenoaks town car park<sup>12</sup> and a similar number in other Sevenoaks car parks.

A major privacy impact of car park cameras is that they keep a record (routinely for 31 days) of people’s movements, in a way that is highly searchable – checking of car number plates (even without numberplate recognition software) is a lot easier than checking faces.

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<sup>10</sup> 48 in each category is a reasonable estimate although, especially within Sevenoaks itself, there are cameras which observe council building as well as public land, or which observe pedestrianised areas as well as car parks. From a privacy perspective (and, to a great extent, from an operational perspective too) the precise position of a camera is less important than the camera’s field of view.

<sup>11</sup> Lists of camera locations can be found in appendix 2, with maps in Gold appendix A.

<sup>12</sup> Also known as “Buckhurst 2”, especially on internal CCTV service documents such in Appendix 2.

One recent example of this is our cameras being used to place a vehicle in Lullingstone Car park as part of a high profile recent criminal inquiry. The question for members will be one of proportionality: Does this undoubtedly positive individual outcome justify the monitoring of all vehicle movements in and out of our numerous car parks over the course of 24 years?

Automated Number Plate Recognition (ANPR) can be used to extract very rich mass data sets from cameras without much human intervention, though, to the best of our knowledge, the only ANPR software used on our systems is in connection with one of the cameras at the Dunbrik depot.

To underline the overlapping nature of these three categories, cameras in relatively open car parks can function in the same way as Town Centre cameras to monitor pedestrians (this is especially the case with PTZ cameras).

### **Cameras monitoring the Council's own buildings**

These include the Council's Argyle road building in Sevenoaks (e.g. in the reception area), cameras at Dunbrik, and at Swanley White Oak Leisure centre (both the car park and publicly accessible indoor areas). There are also cameras which monitor the office of the Dunbrik manager and the CCTV control manager, though these are not fully integrated into the networked system.

This is a complete overview of where our cameras are located, according to the written information we have received<sup>13</sup>.

#### **Camera Numbers, Privacy Impact and Efficacy**

One of the first questions people often ask about any CCTV system is how many cameras there are in total, or in a particular location. While this is clearly a useful number to know in rough terms, there is a clear danger in thinking that numbers of cameras can easily quantify the privacy impact of a camera system.

To take an obvious example, consider a large multi-storey car park which could be fitted with no cameras, 2 cameras, or 22 cameras.

Clearly 22 cameras has a significant privacy impact relative to having zero cameras. But consider the privacy impact of just two cameras recording the number plates (and hence time of entry/egress) of every car entering or leaving a car park. Very few people would suggest that these two cameras had less than 10% of the privacy impact that the 22 would have.

Clearly some drivers would prefer to have full privacy while others would prefer cameras to be present, perceiving that this mitigates the small risk of car crime. However, the idea that privacy impact of public space CCTV can be quantified by reference mainly to the total the number of cameras is a commonly made, and often unhelpful, tacit assumption.

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<sup>13</sup> See Appendix 2 for the details of the districts 144 CCTV camera locations.

## Monitoring schedule

The control room is currently manned (according to a fixed weekly schedule) 152 hours per week (i.e. there are 16 hours when it is not manned). The manned hours include all hours at weekends, and all overnight hours.

The full weekly monitoring schedule is contained in Gold Appendix B.

## Out of hours service

The CCTV control room staff also answer the out-of-hours telephone line for the council. This involves fielding an average of around twenty calls per week for SDC (mainly at weekends) as well as a similar number of calls answered on behalf of others, for which SDC receives a flat fee.

Providing an out of hours telephone answering service, regardless of whether we maintain a CCTV service, is something that residents benefit from. This service could be delivered, as a stand-alone service, in (at least) two ways:

- 1) The out of hours service could be outsourced to another local authority. The average cost of such a service level agreement is approximately £30,000<sup>14</sup> (about 6 or 7% of the cost of the CCTV service). This figure is also in line with the amount we charge other authorities, to provide this service.
- 2) We could provide a stand-alone out of hours contact service, manned by “on-call” SDC staff, either working from home, or working on other office-based tasks, but available to answer the phones. The 2020/21 pandemic has seen our contact centre staff able to operate effectively, in the medium term, by staff working from home. Calls to the council during the night or at weekend could be redirected to existing staff at home in a way which is now fairly commonplace during the daytime. Some, relatively modest, salary increment would probably have to be paid for this. Another possibility could be, for example, that a member of staff might agree to come in to do office work on a Saturday (while being available to answer phones) with a weekday being given as a holiday in lieu.

The benefits of this kind of in-house option would include that we would retain control over the way the out of hours service operates and we could ensure a level of local knowledge amongst those answering calls<sup>15</sup>. An in-house option allows us to plan for the long term without the prospect of annual negotiations over a new service level agreement and, finally, we might even be able to retain the current arrangement whereby we generate tens of thousands of pounds of annual revenue, by answering phone lines for other authorities.

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<sup>14</sup> Source: Email from the Head of Direct Services (in overall charge of both the CCTV service, and the out of hours contact service).

<sup>15</sup> Indeed, these could potentially be the same people that answer the in-hours phone lines.

**Method and Findings:**

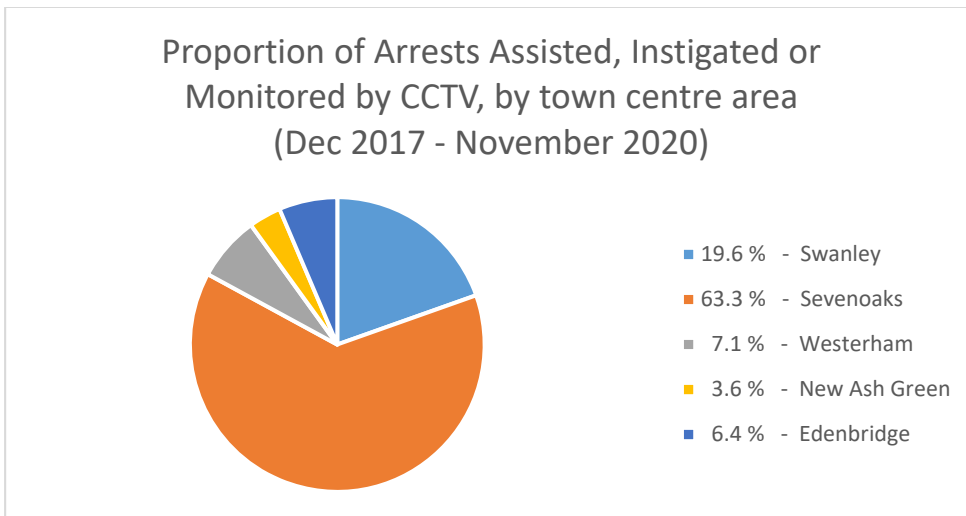
**1. Paper based enquiries (Performance indicators)**

The CCTV service keeps data for Monitored Arrests, Instigated Arrests and Assisted Arrests for the five town centre areas, on a month-by-month basis.

On the next page we present this data, in full, for the last three years.

This data shows that the vast majority of these arrests occurred in Sevenoaks town itself (63.3%)<sup>16</sup> and, to a lesser extent, in Swanley (19.6%).

At the other end of the spectrum, New Ash Green has seen an annual average of just three individual arrests monitored, assisted, or instigated by CCTV<sup>17</sup>.



There are also relatively small numbers of arrests related to CCTV in Westerham and Edenbridge. The following table shows that, in common with New Ash Green, Edenbridge saw 30 of the last 36 months without an arrest either assisted or instigated by CCTV. The picture was similar in Westerham, with 28 out of the last 36 months showing no arrests on the same measure.

**Number of months with no arrests "instigated", or "assisted" by CCTV, out of the last 36, by area.**

Town Centre under CCTV	Months without a CCTV arrest "instigated or assisted", based on official figures	Months with at least one such arrest	Months in sample
Sevenoaks	19	17	36
Swanley	2	34	36
Westerham	28	8	36
New Ash Green	30	6	36
Edenbridge	30	6	36

<sup>16</sup> The proportion of CCTV arrests which occurred in Sevenoaks Town rises to over two thirds (68.6%) if one only considers arrests "Instigated or Assisted" by CCTV (as opposed to merely monitored).

<sup>17</sup> This is based on three years' worth of data. Two such incidents are detailed in the next section of this report which covers exemplar footage seen by the working group. The one that appears in figures as an "assisted" arrest (rather than merely "monitored") refers to a shop lifter who was detained by an off-duty police officer, before he managed to exit the shop. Only the arm of the arrested person appears, fleetingly, on the (council's) CCTV footage, and, although his accomplice does appear, we ascertained (by following up with the shop) that his accomplice did not face any criminal justice consequence for this crime, nor was he arrested. I.E. We assume that this means he was not identified, despite the presence of extensive shop CCTV footage, and some SDC footage too.



Raw CCTV Impact Data<sup>18</sup> on Arrests involving SDC cameras

CCTV PERFORMANCE (Dec 2017 - Jan 2018)				
MONITORED ARRESTS				
	Dec	Jan	Feb	Mar
Swanley	0	1	0	0
Sevenoaks	0	3	1	0
Westerham	0	0	0	0
New Ash Green	0	0	0	0
Edenbridge	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>
INSTIGATED ARRESTS				
	Dec	Jan	Feb	Mar
Swanley	0	0	1	0
Sevenoaks	0	0	0	3
Westerham	0	0	0	2
New Ash Green	0	1	0	0
Edenbridge	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>5</b>
ASSISTED ARRESTS				
	Dec	Jan	Feb	Mar
Swanley	0	2	0	0
Sevenoaks	5	3	5	5
Westerham	0	0	0	0
New Ash Green	0	0	0	0
Edenbridge	0	0	0	1
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>6</b>

CCTV PERFORMANCE (2018/19)													
MONITORED ARRESTS													
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Swanley	2	0	0	0	0	0	0	0	0	1	1	2	6
Sevenoaks	1	1	0	2	1	0	0	1	4	1	0	0	11
Westerham	0	1	0	0	1	0	0	0	0	0	0	1	3
New Ash Green	0	0	0	0	0	0	0	0	0	0	0	0	0
Edenbridge	0	0	0	0	0	0	0	0	0	0	0	1	1
<b>TOTAL</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>21</b>
INSTIGATED ARRESTS													
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Swanley	0	0	0	0	0	0	0	0	0	0	1	0	1
Sevenoaks	0	1	6	3	0	0	1	0	4	2	2	1	20
Westerham	0	0	0	0	0	0	0	0	0	0	0	0	0
New Ash Green	0	0	0	0	0	0	0	0	0	0	0	0	0
Edenbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>21</b>
ASSISTED ARRESTS													
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Swanley	0	1	1	1	0	0	1	0	0	0	2	1	7
Sevenoaks	6	1	0	1	1	2	1	3	0	1	0	3	19
Westerham	0	0	0	1	0	1	0	0	2	0	0	0	4
New Ash Green	1	0	0	0	0	0	0	0	0	0	0	0	1
Edenbridge	1	0	1	0	3	0	0	0	1	0	3	1	10
<b>TOTAL</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>41</b>

<sup>18</sup> These are official figures as recorded by the CCTV service. The data on the previous page can be entirely reconstructed using these two pages of arrest data. No data is held on convictions resulting from CCTV.

**CCTV PERFORMANCE (2019/20)**

MONITORED ARRESTS													
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Swanley	0	1	1	3	1	0	3	0	1	1	1	0	12
Sevenoaks	2	1	1	2	1	3	2	1	0	1	0	1	15
Westerham	0	0	0	0	0	0	0	1	0	0	1	0	2
New Ash Green	0	0	0	0	0	0	0	0	0	0	0	0	0
Edenbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>29</b>

**INSTIGATED ARRESTS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Swanley	0	0	0	0	0	0	0	0	0	1	1	0	2
Sevenoaks	2	1	0	0	1	9	1	2	0	2	0	1	19
Westerham	0	0	0	0	0	0	2	0	0	0	0	0	2
New Ash Green	1	0	0	0	0	0	0	0	0	0	0	0	1
Edenbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>24</b>

**ASSISTED ARRESTS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Swanley	0	1	0	1	0	1	4	1	0	2	1	0	11
Sevenoaks	3	1	3	2	2	0	3	0	1	1	2	5	23
Westerham	0	3	1	0	0	0	0	0	0	0	0	0	4
New Ash Green	0	0	0	0	0	1	0	0	1	0	0	0	2
Edenbridge	0	1	0	1	1	0	0	1	1	0	0	0	5
<b>TOTAL</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>45</b>

**CCTV PERFORMANCE (2020 up to November)**

MONITORED ARRESTS												
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total			
Swanley	1	0	2	0	0	1	0	1	5			
Sevenoaks	1	0	1	2	1	0	0	1	6			
Westerham	0	0	0	0	0	0	0	0	0			
New Ash Green	0	0	0	3	0	0	0	0	3			
Edenbridge	0	0	0	0	0	0	1	0	1			
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>15</b>			

**INSTIGATED ARRESTS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
Swanley	0	0	0	0	0	2	0	0	0
Sevenoaks	4	1	3	4	0	2	0	0	14
Westerham	3	0	0	0	0	0	0	0	3
New Ash Green	0	1	0	0	0	0	0	1	2
Edenbridge	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>21</b>

**ASSISTED ARRESTS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
Swanley	0	0	0	0	1	1	1	2	5
Sevenoaks	1	2	6	6	1	0	3	7	26
Westerham	0	0	0	0	0	0	0	0	0
New Ash Green	0	0	0	0	0	0	0	0	0
Edenbridge	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>9</b>	<b>31</b>

## 2. Paper trail of removed cameras

The CCTV code of conduct mandates that the presence of cameras be reviewed from time to time, with cameras being removed, in the interests of public privacy, unless there is evidence to show that a **pressing need** for those cameras still exists.

The most recent list of cameras on the system is contained within Appendix 2 but the working group has had sight of this information for each of the last five years.

By looking at these comprehensive lists of cameras, year to year, is it possible to determine if cameras have been removed, when they were removed and, from the context around this data, also to suggest, the likely motivation for their removal.

The total number of cameras on the system has grown from 94 to 144 over the last five years, so clearly, whatever cameras have been removed, many more have been added. However, the CCTV control manager has highlighted three removals of cameras during this time.

Two of these concerned cameras in car parks. In 2017, 3 of 4 cameras were removed from Buckhurst 2 car park<sup>19</sup> on the corner of Buckhurst lane. Senocke Car park also had two cameras removed. However, it is noticeable that 2017 saw a large net addition of cameras to the system (with around 20 added compared to the previous year – many of these for the New Bradborne multi-story Car Park). It therefore seems most plausible that the small number of camera removals was motivated by a desire to redeploy them, or to avoid the cost of replacing broken cameras, or to redeploy their data carrying capacity. I.E. To make do with only one camera covering the entrance of Buckhurst 2, on the basis that this freed up capital to allow many more cameras to be deployed in another car park. We judge that it is unlikely that the motivation was one of privacy and, if the one remaining camera in Buckhurst 2 still caught the numberplate of every car entering or leaving the car park, then the privacy benefit of this removal was not substantial in terms of the addition of un surveilled space.

The third and final example of camera removal is in New Ash Green, where cameras were replaced and upgraded with a net reduction of three cameras (a small proportion of the total). For some of these, one camera replaced the job previously done by two, so there was no privacy benefit. It is also relevant that New Ash Green shopping centre has some upper areas where there once were shops but where, sadly, there are no longer shops and where few people ever go (these areas are perfectly safe, they are just rather empty of people). It is possible that some cameras were removed from these area, either on the basis that they were no longer useful, or to redeploy the resource. Of-course it is right to remove such cameras (and there is a marginal privacy benefit to removing cameras from any public space but, equally, the privacy benefit of de-surveilling almost totally unpeopled space is fairly limited<sup>20</sup> – the impetus should be on de-surveilling places where people do go, but where the real crime threat does not merit the presence of cameras).

As such we do not see a clear commitment to remove cameras on grounds of privacy.

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<sup>19</sup> Now known as Sevenoaks Town Car Park.

<sup>20</sup> It is also possible that some cameras in this area have just been switched off, which, as we discussed in the introduction, would be wrong. There are certainly large numbers of what look like old and non-functional cameras in this area, but it is difficult to know whether these were ever SDC cameras. One issue which members ought to consider is whether ordinary people might, nonetheless, assume that these are SDC cameras (given that we do operate cameras in this area).

### **3. Cllr. Pender's visit to the control room**

Cllr. Pender conducted a visit to the CCTV control room (Evening: Friday 7<sup>th</sup> February 2020). The control room was staffed during this time by the CCTV manager, as well as two operators (it is likely that, due to Cllr. Pender's visit, this was a higher level of staffing than would be normal for that day and time).

#### Findings:

- There are two "police monitors" which allow the control room to share data with the police remotely (either recorded or, more likely, live). These are always relaying something, with staff noting, "we wouldn't just leave them blank".
- Cllr. Pender was able to observe the very high-power optical zoom and IR capability available on the PTZ cameras. This allowed the monitoring of people in a pub garden. The people being monitored in this pub garden would not have known they were being monitored - from a distance of, probably, well over 100 yards, although this would still be considered overt surveillance, for regulatory purposes.
- There is a daily "privacy check" on each camera. This consists of checking that the camera is still pointing in the direction that it was set to be pointing by the operator who last used it.
- The time actually spent in the control room passed without event, so the on duty operators were able to show Cllr. Pender some exemplar footage which they had selected, footage he was later able to share with the group.

#### **4. Examination of exemplar footage provided by the CCTV service.**

The CCTV service selected five examples of exemplar footage. In watching these clips the group was particularly keen to try and determine what likely benefit the presence of CCTV was providing in effecting a positive outcome, either in terms of prevention of crime, mitigation of harm, or a likely criminal justice benefit (note the CCTV service does not keep data on prosecutions related to their work).

The five videos were taken from events in 2019 and 2020.

Members might prefer to read about these events in slightly more detail, on the gold pages provided. However, in order to allow members of the public into as much of our thinking as possible, we provide here a reduced summary of these events.

##### **Example 1: Lullingstone Castle Public House**

This footage related to an offence against the person with the victim and perpetrator likely to be blood relations. CCTV might have added useful evidence of crime (although we were unable to determine what happened in terms of prosecution).

It is clear that the control room did not register this incident until four or five minutes after violence had started (probably after police had received a call from a member of the public). In dealing with this incident, both in terms of defending and then immediately caring for the victim, and, probably, in terms of criminal justice matters also, it was the people on the spot who were the most use here.

Control room staff indicate that this is one of the most useful cameras on the network<sup>21</sup> and it is the same camera which was used to look from long distance into the garden of this pub (see page 12 above).

Our conclusions from this video were that, while CCTV has produced some vivid footage it is was not clear that the evidence it provided would have been crucial to securing a prosecution, given the number and nature of the independent witnesses.

##### **Example 2: Theft from Co-op New Ash Green**

Although more than one perpetrator was involved in this theft, the only person who faced criminal justice consequence here was detained by a member of the public, at the scene. This person barely appears on (SDC) CCTV footage.

This is a clear example of SDC CCTV providing vivid footage which did not, it seems, lead to any particularly positive outcome. Once again, the positive outcome came from the courage and quick thinking of the people on the spot at the time of the incident.

Nonetheless this arrest appears in CCTV service figures as an arrest “assisted” by CCTV.

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<sup>21</sup> We believe this to be either camera 119 or camera 120, see Appendix 2

### Example 3: **New Ash Green**

This footage showed arrests being made.

In this and most of the other incidents it is possible to determine when the control room likely appreciated that an incident was occurring, as there is normally a point where the camera view starts to shift in response to a human controller. Based on this heuristic it looks likely that the CCTV team apprehended that this incident was underway about 90 seconds after it had started (likely after it was called in by the police). Given the number of cameras on the system, it should not be considered as any sign of laxness on the part of the operators if they did not see the incident until it was pointed out to them.

Most of this incident includes multiple witnesses, including multiple police witnesses. Much of the incident was videoed by one of the many eye-witnesses (using a mobile phone which, presumably included audio as well as video). All of the incident looks to have been captured on Police Body Camera footage, much of it on multiple body cameras.

### Example 4: **Sevenoaks High Street**

This was the one item of footage where we could definitively say that CCTV had proved undoubtedly useful. It shows evidence of theft, and the breaking of a shop window, in the early hours of the morning<sup>22</sup>. It is likely that the perpetrators would have got away with this crime had the operator not realised that a crime was developing and been able to call police. We know that arrests were made, and can only presume that a conviction was likely based on this evidence.

### Example 5: **Sevenoaks**

This footage shows what appeared to be a drunk driver getting into a car, waiting for a few minutes in the driving seat, and then driving home. We are led to understand that the police later followed up with the driver at his home address.

The footage provides reasonably strong evidence of a drunk driving offence, however the driver was still able to drive home, so no risk to the public was prevented. We do not know all of what happened in terms of follow up (though both the driver and the car numberplate are identifiable) however the committee was of the view that the evidence was probably not of the standard where Police would be likely to try to convict the driver, in the absence of a breath test or other measure of blood alcohol level.

Moreover, as the driver made it home without being apprehended, he would have plausibly been able to claim that he had drunk more alcohol after getting home, so to prove that he was over the legal limit when driving would not have been a trivial matter. We judge that it is, therefore, likely that the police intervention here was limited to words of advice (though we do not know for sure).

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<sup>22</sup> This crime could also have been deterred/prevented by the presence of a security grate on the shop front.

The general themes we were able to conclude from these incidents were as follows:

- Even with these incidents selected by the CCTV team, it is evident that eyes in the sky are rarely a substitute for courage, compassion, or quick thinking on the part of people on the ground at the time of the incident.
- The one example where CCTV had a definite positive effect on the outcome also demonstrated the case (made by the control manager) that a passively monitored CCTV system would be pointless, and would not justify either its financial cost or its negative privacy impact. This is also demonstrated by the cases where the CCTV was not able to notice an incident until some time after it had developed (and the incident been flagged, likely through other channels). Generally speaking, in those cases, we judged that CCTV was unlikely to have provided a significantly improved outcome. The fact that many incidents which happen on camera are missed at their inception<sup>23</sup> is not to cast aspersions on dedication of the operators. With 144 cameras to watch, across five town centres, as well as car parks and council property, even when incidents occur on camera, it is natural that only a small proportion will be spotted at their inception.

It is therefore likely that neither an increase, nor a well targeted decrease, in the number of areas covered by cameras, would lead to a substantially greater, or smaller, number of positive CCTV-led outcomes (since operator attention must be divided across the cameras within the network – and it is their attention, rather than the camera coverage, which is the most relevant scarce resource being deployed).

[In both Sevenoaks Town based incidents the CCTV operator noticed the incident before it was called in on the ground, in all three of the other incidents the reverse was true. Cllr. Pender's visit to the control room led him to believe that significant real-time attention is also given to the cameras in Swanley.]

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<sup>23</sup> In both Sevenoaks Town based incidents the CCTV operator noticed the incident before it was called in on the ground, in all three of the other incidents the reverse was true. Cllr. Pender's visit to the control room led him to believe that significant real-time attention is also given to the cameras in Swanley.

## **5. Audio recording**

Initially we were told that there was no audio recording on SDC's CCTV systems although the presence of audio recording was disclosed to us as part of a large spreadsheet. We only appreciated the fact of audio recording at a fairly late stage in the process. The following is an extract from an email from the CCTV manager:

"Yes you are correct the reception cameras do have audio, in the public areas of the reception and the interview rooms, this is for the safety staff and visitors in these areas. The Customer Solutions team have had previous offensive customers and the meeting rooms have had the same sort of issues.

"We do not monitor the audio, this is why I forgot about them. We would only review if there was a problem."

The following is an extract from the CCTV code of conduct (which should be seen as a minimum floor level in the protection of privacy):

*"3.2.2. Any proposed deployment that includes audio recording in a public place is likely to require a strong justification of necessity to establish its proportionality. There is a strong presumption that a surveillance camera system must not be used to record conversations as this is highly intrusive and unlikely to be justified."*



## **6. Report of Dr. Emmeline Taylor, criminologist at City University.**

A copy of Dr. Taylor's report is appended to this report as Appendix 5. It looks to try and evaluate the evidence for cameras deterring crime and whether it displaces criminal activity (e.g. to other places).

This is seriously detailed piece of work, and it is worth reading in its entirety, both for members of the council, but also more broadly.

### **Highlights from Dr. Taylor's report**

The academic evidence for the effectiveness of CCTV in reducing overall crime is patchy and inconclusive.

CCTV is least effective at deterring violent crimes, and many acquisitive criminals believe they can easily evade CCTV systems.

CCTV is more effective if it is associated with a police or other security response.

There is generally a great level of disagreement amongst academics about the extent to which CCTV can displace crime. Displacement can take numerous forms other than Spatial/Geographic displacement.

In recent years there has been a disinvestment in some CCTV systems with examples given of councils that have removed CCTV altogether and others where (based on camera counting) the reduction has been as much as 50%.

In common with SDC experience Dr. Taylor suggests the main financial cost of CCTV is not the equipment itself but the officer time to monitor cameras (however attempts to automate the monitoring of cameras could have substantial negative impacts in terms of privacy).

From reading Dr. Taylor's report we are able to conclude that a clear evidence-base for the efficacy of CCTV in reducing crime does not exist.

## **7. Other councils that have reduced or considered discontinuing the use of CCTV**

In 2013 the Independent reported<sup>24</sup> that one in five councils had reduced the number of CCTV cameras on the streets since 2010. These include Craven District Council in North Yorkshire, Trafford district council, Blackpool, Bolsover and Havant.

Westminster Council voted to decommission its CCTV systems in 2016, however the Mayor of London's office then offered to pay the costs of their system. The result is that Westminster still controls a large CCTV system, but they do not pay towards it – resulting in a saving to the Westminster council tax payer of around £17m p.a.

The report from Dr. Taylor highlighted that Trafford and Greater Manchester, implemented a reduction in CCTV of 53% (based on camera counting) from 2010-2013 and Blackpool reduced their network by 48%.

These networks were of a similar size to SDC's.

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<sup>24</sup> 10 March 2013 – article by Jane Merrick and Emily Dugan

## 8. Discussions with police

Discussions with Chief Inspector Jon Kirby at scrutiny committee:

Jon Kirby made clear that the image quality was of a high standard (this also tallies with observations made by Cllr. Pender on visiting the control room, where cameras were able to observe people of order 100m away, in a pub garden). **This substantively answers question 2 from our remit.**

Correspondence with Mathew Scott (in respect of a Police financial contribution) and the position of the working group on police contribution to CCTV costs:

The working group's view is that there are strong moral-economic reasons for the police making some contribution to the CCTV service (if it exists – see i below) while there are strong moral-political reasons for their contributions not rising anywhere near to a majority of the costs incurred (see ii below).

- i. The reasons for asking the police to make a substantial dedicated contribution to the CCTV service, if it exists. Can be summarised as follows:

SDCs camera network is a mass surveillance system (which necessarily involves a certain level of privacy infringement). Some would argue that this alone is enough to warrant its removal while others would argue that its capacity to reduce crime makes the reduction in privacy a price worth paying.

All would agree that, if there were less privacy invasive crime reduction methods which would, for the same financial resources, yield lower (or similar) levels of crime to CCTV, then those things should be funded in preference to CCTV.

Part of the Police and Crime Commissioner's (PCC) role is to allocate scarce resources with a view towards reducing crime. If the PCC's budget does not bear any of the cost of CCTV the PCC (and policing in general) might be minded to support CCTV even if, for example, the resources would be better applied in different ways (e.g. salaries for more police officers, or community interventions with a tendency to reduce crime).

If the police only made a one third contribution then, even here, one might expect the Police to support CCTV even if the full resources allocated to CCTV could be nearly three times as effective applied in different (often less privacy invasive) ways.

- 1ii. On the other hand, the reason that that contribution should not get too close to (or above) 50% is based on the natural power dynamics of any bureaucratic system:

It is said that he who pays the piper calls the tune. We believe that there are strong privacy reasons that the Police should not gain overall control of the district's cameras system and, as such, we would not wish to ask them to make a majority contribution to the costs.

Matthew Scott made it admirably clear in discussions that the police will not be making any specific contribution to the costs of CCTV, despite the police position being broadly supportive of the existence of CCTV and a manned CCTV control room.

Of course, as elected PCC, Matthew Scott is absolutely entitled to decide how funds at his disposal ought to be spent, to bear down on crime in the most cost-effective way, commensurate with his priorities.

Evidence of Acting Chief Inspector Mark Stubberfield:

1. Acting Chief Inspector Stubberfield said that SDC CCTV was useful when it was able to alert Police to possible crime or public disorder, but sending an officer to check depended on resources.
2. Police believe that cameras sometimes displace offending to other areas.
3. Ac. Ch. Insp. Stubberfield concurred with the view, expressed by the CCTV control room manager, that an unmanned or passive camera system would be far less effective in reducing crime, compared to a manned service.
4. Police do not know whether authorities which have got rid of CCTV, or which do not have it, have experienced higher levels of crime as a result (or at all).
5. Police accept that street lighting is also effective, though Ac. Chief Insp. Stubberfield was not able to agree or disagree with the suggestion that effective lighting may be four times more effective than CCTV.
6. Ac. Ch. Insp. Stubberfield clearly thought the main question under discussion was a matter of financial cost on the one hand and effectiveness in crime reduction on the other. When asked whether he could think of reasons beyond matters of cost why people might be opposed to CCTV he reverted to arguments concerning cost. It is fair to say there seems to be little institutional understanding of the privacy impact of CCTV.
7. Ac. Ch. Insp. Stubberfield made clear that, in his work, he often encourages households to use their own CCTV, including covering public areas, as well as dual purpose doorbell/CCTV cameras (citing those made by a well-known subsidiary of a better known international online shopping/delivery company). There seemed to be little understanding that most such cameras observe public space in a way that violates the (broadly unenforceable) CCTV code of conduct.<sup>25</sup>
8. Ac. Ch. Insp. Stubberfield said he didn't have a particular view one way or another about whether facial recognition software ought to be used with CCTV.
9. It was put to Ac. Ch. Insp. Stubberfield that cameras with zoom lenses were sometimes used to observe people who would not know that they were under surveillance (despite the camera not being an explicitly "covert" camera). Ac. Ch. Insp. Stubberfield responded that, in a "built up area", people should simply assume they are always on CCTV (even, for example, in the pub garden of a pub which may not have its own CCTV).
10. Ac. Ch. Insp. Stubberfield said that the camera network had been useful in the enforcement of Covid restrictions.

Other police correspondence:

In recent months, it has become clear that the police intend to expand the use of ANPR number plate recognition cameras within the district.

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<sup>25</sup> Official police communications to residents also seem to undertake advertising of commercial CCTV-doorbell systems with, for example, the February 2021 issue of "Your local parish Monthly" describing CCTV-doorbells as "hugely beneficial to us" despite the fact that this "benefit" almost certainly only accrues due to violations of the CCTV code of conduct. This newsletter looks to have been distributed, often via email, to a significant proportion of the residents in the northern wards of the district.

## **9. Discussions with CCTV control room manager**

The main point made by the control room manager during our meeting was that an unmanned control room would be pointless (Ac. Ch. Insp. Stubberfield also seemed to concur with this.).

The control room manager also agreed with the suggestion put to her that, if the same operators were monitoring fewer town centre areas they would probably be able to monitor those cameras more effectively and, conversely, with more cameras they would likely monitor each area less effectively.

## **10. Query about costs (attachment to prosecutions)**

During the course of the review a question was raised in respect of whether prosecution costs could be used to help fund SDC's camera systems.

However, guidance<sup>26</sup> on the scope of prosecution costs specifically exclude "the cost of the investigation".

Furthermore, the Criminal Costs Practice Direction states, "Generally it will not be just or reasonable to order a defendant to pay costs of investigation which the prosecutor itself will not satisfy".

It might plausibly be possible to charge defendants for the provision of second copies of footage but this is such a minimal cost compared to running the camera network, and employee time watching live footage (or trawling recorded footage) that the costs recovered in this way would be de minimis (probably limited to the nominal fee of 10 or 20 pounds which an authority is allowed to charge in relation to a subject access request).

Furthermore, much of the time, clearly, defendants would not even be able to make that payment. The interests of justice would, nonetheless, demand that defendants deemed unable to make such a payment, should still be given access to this data, not least because the decision about disclosure would come before any verdict.

Finally, SDC does not maintain figures/information on whether a conviction does or does not result from footage supplied to the Police/CPS.

Overall, therefore, we do not believe we can recover costs from convicted persons.

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<sup>26</sup> See Appendix 3

## Addressing The “missing persons” and “fear of crime” arguments

Arguments in favour of CCTV sometimes pivot from reduction/detection of crime to non-crime uses, in particular to look for missing people (such as missing vulnerable people). We feel that the well-adjusted moral mind will realise that this as an incidental use, rather than a use which justifies the surveillance of public space. CCTV’s distribution is supposed to be tuned to catch/deter the maximal number of criminals while minimising surveillance of innocent people, but finding vulnerable people who have wandered off in non-suspicious circumstances only works precisely because a large number of innocent journeys are being tracked. We think, therefore, that the use of CCTV in certain types of missing person enquiries should be seen in the same way as footprints in muddy paths, or mobile phone data or, indeed, in the way that police currently use cameras on private houses (police will even use camera data which observes public space in a way which would contravene the CCTV code of conduct).

I.E. (Subject to certain safeguards) authorities will use what data they have got, but this should not be turned into an argument for the existence of CCTV, any more than the ability to track people using muddy paths or mobile phone data is an important argument for the use/maintenance of those things.

Another ultimately non-crime argument suggests that CCTV can be justified by a reduction in the fear of crime alone (i.e. even if the presence of CCTV does not reduce crime, people will sometimes argue that the reduction in the fear of crime makes it worthwhile). If fear of crime is reduced, as a result of crime actually being reduced, then that could form the basis of an argument in favour of CCTV in the minds of many members of the council (although no one would talk of fear of crime in these circumstances, since the stronger argument would be the actually reduced crime). However, if legitimate fear of crime is irrationally reduced by CCTV (or if actually irrational fear of crime is reduced by CCTV) that cannot be considered a legitimate argument for CCTV.

Furthermore, it is quite possible that, where CCTV exists, the public might assume that there is a pressing need for the cameras to prevent crime. As such CCTV may, in fact, raise the fear of crime<sup>27</sup>. However, if our fear of crime has been subconsciously raised by CCTV (because we associate CCTV with dangerous areas) we may well still tell people (and tell ourselves) that CCTV reduces our fear of crime (because we assume that it is only the CCTV that prevents crime getting out of control in an area). If the area has a low intrinsic risk of crime, then our fear of crime could, in fact, be substantially reduced by the realisation that the area is still safe, following the removal of CCTV.

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<sup>27</sup> One could call this the Ellie Cooper effect, after the seventeen year old daughter of Ed Balls and Yvette Cooper MP who, on September 26, 2019 tweeted “*I am scared when our house gets fitted with panic buttons, industrial-locking doors and explosive bags to catch the mail.*” – Evidently, for Ellie, the presence of these security measures had increased her fear of crime. This was not the thought process of an irrational child, rather she was using the presence of security apparatus as a proxy to judge the risk of being attacked – a risk that she (quite reasonably) assumed that those in charge of her household – i.e. her parents – would have judged correctly. Had she, separately, in a different week, been asked whether these measures reduced her fear of attack she might, nonetheless, have responded that they did. Quite obviously, the household’s test for whether to have these items (none of which, we note, are privacy invasive) would need to be based on whether they actually led to a real reduction in risk.

Like Ellie, our residents may assume that the people in charge of the area (in this case councillors in charge of public space) will have correctly judged the most risky areas of the district, and identified these (and only these) for surveillance. When a resident is, effectively, told that he is standing in a risky area he, naturally, may experience an increased fear of crime, just like Ellie.

## **Conclusions and Recommendations**

**We started by identifying ten key questions/areas to consider:**

### **1. Is the service effective in reducing crime?**

It is difficult to find any evidence of CCTV reducing crime. Dr. Taylor's review shows that the evidence for CCTV as a deterrent is very limited. In our analysis of exemplar footage, we did see one incident where monitored CCTV was able to bring justice to bear against the perpetrators of a smash and grab<sup>28</sup> however this was the exception, not the rule. Mostly, even when vivid CCTV footage was produced, it was of limited practical usefulness<sup>29</sup>.

Similarly, it is hard to quantify the level of deterrent CCTV provides in terms of reducing crime in the first instance. There is a well-established theory that crime is displaced as a result of the provision of CCTV cameras, but it is difficult to find evidence one way or another to support this theory specifically in an SDC context.

### **2. Does the quality of images need to be improved?**

Image quality is of a very high standard across the board. There are no issues with image quality.

### **3. What is the privacy impact of the service?**

Keeping public space under surveillance necessarily involves a level of intrusion into the privacy of members of the public. For this reason, the presumption should be that at the very most, CCTV should only be present where it is both highly effective, beneficial, and cost-effective in deterring crime and apprehending criminals. The CCTV code of conduct says that CCTV should only be present where it meets an identified "pressing need".

Even if a mass surveillance system were proven to be effective one would still have to weigh the usual considerations which apply to other forms of surveillance such as, whether the harm that necessarily results from placing the innocent under surveillance might not outweigh any benefit derived from the surveillance. In assessing this balance one has to consider both direct harms to various people/kinds of people<sup>30</sup> and also the broader harms that can arise when government actions seem to be in conflict with fundamental British values of freedom, personal privacy and limited government.

This could be a difficult judgement, but when there is no clear benefit to weigh against the harm, the question becomes substantially easier.

### **4. Are the financial resources of the council are being well applied? Is the service cost effective?**

We were not able to determine that the service is effective in terms of reducing/deterring crime, let alone whether it was cost effective, given the spending of four to five hundred thousand pounds per year on the service. This finding should not be taken as criticism of the people running the service, who are, after all, just doing the job that councillors, in our wisdom or otherwise, have detailed them to do. Nonetheless,

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<sup>28</sup> Although in this instance a much cheaper alternative (a metal security grate) would probably have entirely prevented the theft and the property damage.

<sup>29</sup> See page 14-16: "Examination of exemplar footage provided by the CCTV service"

<sup>30</sup> The service itself would accept that the scrutiny of people in public space which is provided by the CCTV service does not fall equally across all sections of society. Committee members raised this kind of equalities consideration as a concern during internal discussions; others felt that, to focus on CCTV mainly as an equalities issue, was missing the point.

there is little evidence to suggest this is money well spent, or that the costs to the council are beneficial in providing an important service.

#### **5. How many convictions arise as a result of CCTV?**

On the evidence we have seen we believe there are, probably, a small number of convictions each year which result from CCTV. We would have liked to track the number of these and compare them to the financial cost of the service, but data on convictions is not held (only arrests). However, there is little evidence that the camera system helps the police in a proactive role in preventing crimes, such as enabling them to respond and intervene to prevent anti-social behaviour escalating into criminal activity.

#### **6. To what extent does CCTV deter crime, and how this might be measured?**

The evidence from Dr. Taylor's review is that virtually all studies show either a weak relationship, or alternatively no statistically significant relationship, between the putting in of CCTV and the levels of crime in the area. What is more, where studies do show a statistically significant relationship, some show a small decrease in crime, while others show a small statistically significant increase. As Acting Chief Inspector Stubberfield told us, "SDC CCTV was useful when it was able to alert police to possible crime or public disorder, but sending an officer to check depends on resources." and cameras "sometimes displace offending to other areas".

#### **7. Are our CCTV cameras in the right places?**

Given the lack of evidence of efficacy we cannot recommend any cameras in locations where there currently are none. There are, however, clearly wide disparities in the CCTV service arrest data from area to area. A middle ground between removal of town centre cameras, and full retention as per the status quo would, therefore, be to initially remove cameras from New Ash Green, Edenbridge and Westerham, where the data is furthest from supporting the notion of a "pressing need" for cameras. This would mean control room staff were more able to focus on potential crimes in the areas which have shown greater levels of arrests, and it ought to generate an increase in CCTV effectiveness in these areas<sup>31</sup>. The final decision as to what cameras are retained is, of course, ultimately a decision for the council, based upon sound and suitable risk assessments, rather than being a matter for the working group.

#### **8. What are the implications of emerging facial recognition technology?**

We do not use facial recognition technology. It is difficult to know whether SDC might ever come under pressure to use facial recognition in relation to our CCTV. Such technology could present an additional threat to privacy and so the group is content that we do not use it. We have identified that the use of audio recording threatens personal privacy and should not be a feature of our systems, on the same grounds.

#### **9. Could and/or should a financial contribution to CCTV be garnered from other agencies such as the police or the CPS?**

In so far as the CCTV system is to be maintained we would like the police to bear one quarter of the cost of running the CCTV service. However, this idea has been rejected by the Police.<sup>32</sup>

The idea of attachment to prosecutions has been investigated, but found to be impractical.

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<sup>31</sup> This is based on the evidence of the CCTV service manager (as well as being based in common sense principles - needles/haystacks etc.).

<sup>32</sup> See page 20 "Correspondence with Mathew Scott (in respect of a Police financial contribution) and the position of the working group on police contribution to CCTV costs". This is also where the broad reasoning behind the idea of a substantial minority financial contribution is contained.

## 10. What recommendations do the working group make?

The working group has looked at several areas whilst examining the effectiveness of the CCTV system that Sevenoaks District Council runs. Whilst there are some important questions that this investigation has sought to answer, the group has recognised a fundamental principle that the CCTV code of conduct requires any organisation to consider:

**CCTV should only be present where it meets an identified “pressing need”.**

The system that is in place, is generally well managed<sup>33</sup>, and there are examples where it has proved to be useful in supporting police in specific cases. However, both the privacy impact, and financial cost, of providing this service is significant.

The answer to the question of ‘identified pressing need’ for the CCTV system is one that the working group has not been able to identify. The group have not seen proof of where the pressing need has been assessed and identified and, as such, it is felt that this is an area for the council to address.

There is little evidence of a pressing need for cameras anywhere in the district. We particularly question the need for town centre cameras in New Ash Green, Edenbridge and Westerham.<sup>34</sup> The group also questions whether there is a pressing need for the current level of car park surveillance and, in particular, whether, in future car parks, CCTV really needs to be installed as standard in the way that it seems to have been up until now. Both the audio and video surveillance provided by the Council’s fourteen “reception cameras”<sup>35</sup> should cease. Audio surveillance should never be reinstated and, as with cameras, simply switching off audio surveillance hardware is not acceptable, the hardware itself should be removed.<sup>36</sup>

No capital spending is budgeted for CCTV in 2020/21, this is the level at which capital spending on CCTV should remain into the future.

More detailed work should be done to fully consider options to provide a stand-alone out-of-hours contact service, though we have confidence in the current estimates provided, which show a very small cost compared to running a monitored camera network. The pandemic has suggested an expanded range of options for maintaining a stand-alone out-of-hours service.

As technology has improved it has become possible to use technically overt CCTV as, effectively, covert surveillance, and we know that our system is used in this way currently. This must cease or, alternatively, court orders should be obtained to allow it<sup>37</sup>.

Until and unless we decide to remove all town centre CCTV, these systems should be monitored, in real time (which is what happens currently).

The privacy impact of the system increases as the size of the area under surveillance increases. It is also likely that any effectiveness reduces as local knowledge is lost in the scaling up of surveillance systems to

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<sup>33</sup> This comment refers to the operational aspects of the system. With the exception of the addition of this footnote the information about the security of the data pipeline, see Appendix 6, has not been taken into account in the drafting of these recommendations.

<sup>34</sup> See page 9 “Paper based review (performance indicators)”.

<sup>35</sup> This refers to their designation within the internal CCTV service spread sheets and it refers to the 14 cameras detailed on page 36, on the penultimate page of Appendix 2 of this report.

<sup>36</sup> It is acceptable (and necessary) for the police interview room to keep the stand-alone tape recorder to record police interviews. Clearly this should only be running when suspects/witnesses/anyone else present will have been alerted that they are being recorded to maintain a record of the interview, and we assume this is the case.

<sup>37</sup> If court orders are obtained this would also require effective member scrutiny, in parallel to any court process.



larger areas. As such, while we should continue to ask the police for a minority contribution to the cost of running the service (members thought 25% was reasonable) we should not ask for anything too close to 50%, nor should we ever transfer operational control to the police, or other councils.

There should be no extension of the current deletion timescale (of 31 days), nor should any off-site backup of the data ever be contemplated<sup>38</sup>.

The CCTV code of conduct should continue to be observed as the minimal acceptable standard of privacy protection. Regard should be given both to the interpretation provided by Surveillance Camera Commissioner as well as the natural language interpretation of the principles, which ought to be a particular consideration where that seems to indicate a higher standard of privacy protection.

Dummy cameras, or cameras which appear to function but do not, should not form part of the CCTV service. If it is ever discovered that a camera under our control/ownership has ceased to function in the reasonably distant past, this camera should be removed (i.e it should neither be brought into operation nor simply left as a supposed “deterrent”). Note: Our current understanding is that we do not have any such cameras. This recommendation is simply made to clarify what should be done if such cameras are discovered.<sup>39</sup>

SDC’s general policy should be to encourage owners of cameras (dummy or operational) which a reasonable person might mistake for an SDC camera to either remove them or to make clear that they are not SDC cameras, by way of signage indicating the identity of the data controller. SDC has a duty to ensure that an untrained member of the public should be able to look at a camera, and its surrounding, and determine (e.g. from signage in their vicinity) whether the camera is or is not an SDC camera.

### **Main Recommendations:**

The working group hereby recommends the following for consideration by the council:

- 1) The cameras that the council currently maintain and use should be assessed to establish whether there is a clear justification to demonstrate their pressing need (see, in particular, answers to key questions 7 and 10 above).
- 2) Audio recording hardware should be removed from the SDC system (it is currently present in the foyer area of the council offices, and other similar parts of the Argyle Road building). In most of these areas video surveillance should also be removed.
- 3) Other recommendations should be heeded (pages 22-25).

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<sup>38</sup> As per the status quo.

<sup>39</sup> Appendix 4 explains the reason for this in a little more detail and shows that this policy is in line with the norms of over public space surveillance.